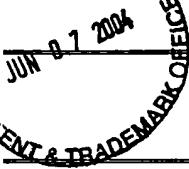


RCE

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Box RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2004.

  
Trudi Thompson

Application Number	:	10/016,074	Confirmation No. 6959
Filing Date	:	December 5, 2001	
Inventor(s)	:	James W. Coiner	
Title	:	HYBRID TEA ROSE PLANT NAMED 'WHY NOT CHERISE?'	
Group Art Unit	:	1661	
Examiner Name	:	Howard J. Locker	
Docket No.	:	47500/CAB/C614	
Customer No.	:	23363	Date: June 2, 2004

### MAIL TO: Mail Stop RCE

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

#### 1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:

a.  Pending (no review proceedings active)

(1)  An Action was mailed by the Office on December 3, 2003, as to which no appeal under 37 CFR § 1.191 has been filed and  
\_\_\_\_\_ a response under 37 CFR § 1.116 was mailed on  
\_\_\_\_\_ via Express Mail  
\_\_\_\_\_ with certificate of mailing under 37 CFR § 1.8

that Action was a Final Rejection, the finality of which is to be withdrawn by this Request

\_\_\_\_\_ an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated

(2)  Allowed: the Notice of Allowance was mailed by the Office on  
\_\_\_\_\_ the Issue Fee has not been paid

\_\_\_\_\_ the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on

b.  Pending (with review proceeding active)

An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

#### 2. SUBMISSION(S) REQUIRED (check at least one)

a. Previously submitted  
\_\_\_\_\_ Consider the amendments/reply under 37 CFR § 1.116 previously filed on

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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**Application No. 10/016,074**

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Consider the arguments in the Appeal or Reply Brief previously filed on  
 Other:

b. Enclosed

Amendment/Reply  
 Affidavit(s)/Declaration(s)  
 Information Disclosure Statement  
 Documents under 37 CFR § 1.48  
 Petition for Extension of Time  
 Other:

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submission(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please address all correspondence to **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Cynthia A Bonner  
Cynthia A. Bonner  
Reg. No. 44,548  
626/795-9900

CAB/tt

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**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**FEE CALCULATION SHEET**

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**Application No. 10/016,074**

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<b>PART I — BASIC FEE</b>			
BASIC FEE	Small Entity \$385.00	Large Entity \$770.00	\$385

<b>PART II — ADDITIONAL CLAIMS (compared to application before RCE)</b>						
	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims		*		x \$9.00	x \$18.00	0
Independent Claims		**		x \$43.00	x \$86.00	0
First Presentation of Multiple Dependent Claim				\$145.00	\$290.00	
<b>TOTAL CLAIMS FEE</b>						<b>\$0</b>
List Independent Claims: 1						
* IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE. ** IF THE HIGHEST NUMBER PREVIOUSLY PAID OR IS 3 OR LESS, WRITE "3" IN THIS SPACE.						

1. FEES (*The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.*)
  - a. Amount (total from Fee Calculation Sheet)  
A check for \$385 is enclosed.
  - b. X The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A duplicate copy hereof is enclosed.